

3733. Adulteration and misbranding of cognac type brandy. U. S. v. 5 Cases of * * * Cognac Type Brandy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5953. I. S. No. 1206-k. S. No. E-116.)

On September 26, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of a product purporting to be cognac type brandy, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Charles Spiegel & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances—to wit, neutral spirits—had been mixed and packed with said article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon the packages and labels thereof bore a certain statement, design, and device regarding the ingredients and substances contained in said food, that is to say, the following words, "F. Bremon & Cie Brand Cognac Type," which statement, design, and device was false and misleading because it would lead the purchaser to believe that said food consisted of a cognac type brandy, whereas, in truth and in fact, it was not a cognac type brandy.

On January 25, 1915, the said Charles Spiegel & Co., Inc., claimant, having consented to a decree and agreed to pay the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimant upon the execution of bond in the sum of \$100, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON D. C., *April 16, 1915.*